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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/623,726      | 07/21/2003  | Treg Shidler         | 17341               | 6080             |

26637 7590 01/19/2005

CNH AMERICA LLC  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
700 STATE STREET  
RACINE, WI 53404

EXAMINER

PETRAVICK, MEREDITH C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3671

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

10/623,726

Applicant(s)

SHIDLER ET AL.

Examiner

Meredith C Petravick

Art Unit

3671

All participants (applicant, applicant's representative, PTO personnel):

(1) Brant Maurer. (3) \_\_\_\_\_.

(2) Meredith Petravick. (4) \_\_\_\_\_.

Date of Interview: 13 January 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,3,5,6,8 and 9.

Identification of prior art discussed: Soots et al..

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's attorney submitted the attached interview proposal. The examiner told applicant how to correct the grammar in claims 3,5,6 and 9 to overcome the rejection under 112. The examiner said that she would drop the rejection of claim 8 under 112 for the limitation "element" being unclear. The examiner stated that both proposed claims 1 and the first proposed claim 5 did not define over Soots et al., but the second proposed claim did. The examiner did not indicate that any of the proposed claims were allowable. .

**FAX**

CNH America LLC  
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Racine, WI 53404  
Phone: 262-636-7039  
Fax: 262-636-6231

|               |   |                         |                          |
|---------------|---|-------------------------|--------------------------|
| <b>To:</b>    | ATTN: Examiner Meredith C. Petravick      | <b>From:</b>            | Brant T. Maurer, Esq.    |
| <b>Co:</b>    | United States Patent and Trademark Office | <b>Date:</b>            | January 11, 2005         |
| <b>Fax #:</b> | 703-746-3728                              | <b>#Pages:</b>          | 6 (including cover page) |
| <b>Re:</b>    | U.S. Patent Application No. 10/623,726    | <b>Atty. Docket No.</b> | 17341                    |

☒ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

The return receipt automatically sent via facsimile will acknowledge the following attachments to this cover page:

☐ Examiner Interview Proposal

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Treg Shidler and Dale Panoushek  
Serial No.: 10/623,726  
Filed: July 21, 2003  
Examiner: Meredith C. Petravick  
Group Art Unit: 3671  
Docket No.: 17341  
Title: *Feeder Position Sensor*

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EXAMINER INTERVIEW PROPOSAL

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA, 22313-1450

Dear Examiner Petravick:

Per our January 11, 2005 telephone conversation, below is an outline for a January 13, 2005 (10:00 am EST) telephonic Examiner Interview.

**Discussion of the Following Issues:**

**I. Claim Rejections under 35 USC 112, Second Paragraph:**

A) Claims 3, 6, and 9: According to the Examiner, the phrase "extending transversely to an axis of rotation of the second member" is unclear.

Claims 3, 6, and 9 all specify that the transfer shaft includes "blades". Thus, in reference to Claims 3, 6, and 9, it is the blades that "extend transversely to an axis of rotation of the second member."

B) Claim 5: According to the Examiner, the word "therewith" at the end of Claim 5 creates confusion as to what the word is referring back to.

The term "therewith" refers to the opposite end of the bracket supporting the second end 70 of the transfer shaft 68 in axial alignment with the pivot pin 28.

- C) Claim 8, Line 21: According to the Examiner, the limitation “element” is unclear.

For background, Line 6 identifies the transfer shaft having a “first end portion” including an associated element. Line 9 identifies the transfer shaft having a “second end portion” including an associated element.

As can be seen in the claim, the term “element” is only used in conjunction with either “first end portion” or “second end portion” for the purpose of linking the “element” with the specific end portion = to avoid confusion.

Line 21 refers “the element” to the immediately mentioned “second end portion”, thus linking the term to the correct end portion so as to alleviate any confusion.

- D) Preamble of Claim 8: According to the Examiner, the preamble is unclear.

The Applicant will amend the preamble according to the Examiner’s suggestion.

## II. Claim Rejections (1-2, 4 and 5) under 35 USC 102(b):

The following claim amendments are proposed to distinguish independent Claims 1 and 5 from the cited prior art:

- 1 1. (Proposed Amendment) A mounting assembly for a rotational position sensor for  
2 mounting on a first member and sensing a rotational position of a second member  
3 supported on the first member for rotation relative thereto, comprising:  
4 a transfer shaft having a first end cooperatively engageable with a rotatable  
5 sensor element of the sensor for rotating the sensor element when the transfer shaft is  
6 rotated, and a second end cooperatively engageable with, and readily disengageable  
7 from, the second member for rotation of the transfer shaft therewith; and  
8 a housing for supporting and holding the sensor and the transfer shaft with the  
9 first end of the shaft in engagement with the rotatable sensor element and the second

10 end positioned for engaging the rotatable second member, the housing being  
11 mountable in a fixed position and orientation on the first member such that the second  
12 end of the transfer shaft is engaged with the rotatable second member for rotation  
13 therewith.

1 1. (Proposed Amendment) A mounting assembly for a rotational position sensor for  
2 mounting on a first member and sensing a rotational position of a second member  
3 supported on the first member for rotation relative thereto, comprising:  
4 a transfer shaft having a first end cooperatively engageable with a rotatable  
5 sensor element of the sensor for rotating the sensor element when the transfer shaft is  
6 rotated, and a second end cooperatively, coaxially engageable with the second  
7 member for rotation of the transfer shaft therewith; and  
8 a housing for supporting and holding the sensor and the transfer shaft with the  
9 first end of the shaft in engagement with the rotatable sensor element and the second  
10 end positioned for engaging the rotatable second member, the housing being  
11 mountable in a fixed position and orientation on the first member such that the second  
12 end of the transfer shaft is engaged with the rotatable second member for rotation  
13 therewith.

1 5. (Proposed Amendment) A mounting assembly for a rotational position sensor for  
2 mounting on a frame member of an agricultural combine and sensing a rotational  
3 position of a feeder supported on the combine for rotational movement relative  
4 thereto, comprising:  
5 a transfer shaft having a first end cooperatively engageable with a rotatable  
6 element of the position sensor and an opposite second end cooperatively engageable  
7 with, and readily disengageable from, a pivot pin on the feeder through which an axis  
8 of rotation of the feeder extends, such that rotation of the feeder and the pin about the  
9 axis will rotate the transfer shaft;  
10 a housing for holding the transfer shaft with the first end in engagement with  
11 the rotatable element of the sensor for rotation therewith; and  
12 a mounting bracket having a mounting end for mounting on the frame member  
13 such that an opposite end of the bracket will be positioned in a predetermined position  
14 in closely spaced relation to the pivot pin of the feeder, the opposite end including a



15 hole therethrough aligned with the axis of rotation when in the predetermined position  
16 and being adapted for holding the second end of the transfer shaft in position for  
17 engagement with the pivot pin and supporting the housing and the sensor in axial  
18 alignment therewith.

1 5. (Proposed Amendment) A mounting assembly for a rotational position sensor for  
2 mounting on a frame member of an agricultural combine and sensing a rotational  
3 position of a feeder supported on the combine for rotational movement relative  
4 thereto, comprising:

5 a transfer shaft having a first end cooperatively engageable with a rotatable  
6 element of the position sensor and an opposite second end cooperatively, coaxially  
7 engageable with a pivot pin on the feeder through which an axis of rotation of the  
8 feeder extends, such that rotation of the feeder and the pin about the axis will rotate  
9 the transfer shaft;

10 a housing for holding the transfer shaft with the first end in engagement with  
11 the rotatable element of the sensor for rotation therewith; and

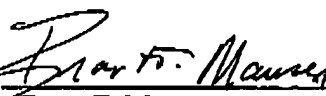
12 a mounting bracket having a mounting end for mounting on the frame member  
13 such that an opposite end of the bracket will be positioned in a predetermined position  
14 in closely spaced relation to the pivot pin of the feeder, the opposite end including a  
15 hole therethrough aligned with the axis of rotation when in the predetermined position  
16 and being adapted for holding the second end of the transfer shaft in position for  
17 engagement with the pivot pin and supporting the housing and the sensor in axial  
18 alignment therewith.

It is believed that, after the 112 rejections have been alleviated, each of the above amendments to Claims 1 and 5 would distinguish the claims from the cited prior art. Additionally, Claims 2 and 4 would also be allowable as depending from an allowable base claim.

**III. Conclusion**

The Examiner is invited to contact the undersigned at 10:00 am EST on Thursday, January 13, 2005 at (262) 636-5368.

Respectfully submitted,

By   
Brant T. Maurer  
Attorney for Applicants  
Reg. No. 53,285

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